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FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

MAR - 6 2003

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b))	
Table of Allotments)	MB Docket No. _____
FM Broadcast Stations)	RM - _____
(Charlotte and Grand Ledge, Michigan))	

To: Assistant Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING

Rubber City Radio Group ("RCRG"), licensee of **WQTX(FM)**, Charlotte, Michigan, by its counsel, hereby requests that the Commission amend the FM Table of Allotments to delete Channel 224A from Charlotte, Michigan and allot Channel 225A at Grand Ledge, Michigan as that community's first local service. If this Petition is granted, RCRG will file an application for Channel 225A at Grand Ledge, and will construct the facilities if its application is granted. No further changes are required in order to effectuate this reallocation. The following table summarizes the changes requested in this Petition:

City	Channel	
	Existing	Proposed
Charlotte, Michigan	224A	---
Grand Ledge, Michigan	---	225A

A. Technical Analysis

1. As demonstrated in the Engineering Statement, Channel 225A can be allotted to Grand Ledge, Michigan at coordinates 42-42-17 North Latitude, 84-37-20 West Longitude consistent with Section 73.207 of the Commission's Rules. See Table 1.0. A 70 dBu signal can be provided to Grand Ledge from the proposed reference point. See Figure 1.0. The relocation

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MB
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of WQTX from Charlotte to Grand Ledge will enable WQTX, which currently operates as a 3 kW Class A, to increase power to 6 kW ERP. There will be a net gain in population of 159,068 persons and area of 666.3 square kilometers receiving a 60 dBu interference-free signal from the station. See Table 1.1. The loss area will remain well served, with the entire area retaining five or more aural services. See Engineering Statement.

B. Change in Community of License

2. RCRG desires to change the community of license for Station WQTX from Charlotte to Grand Ledge under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("Community of License"). There, the Commission stated that a station may change its community of license without subjecting the licensee to competing expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 225A at Grand Ledge is mutually exclusive with the current use of Channel 224A at Charlotte. See Table 1.0. Second, Charlotte will not be deprived of its only local service because WLCM(AM), 1390 kHz, will remain licensed to Charlotte. Third, the provision of a first local service at Grand Ledge (population 7,813) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Charlotte (pop. 8,369) under Priority 4 (all population figures taken from the 2000 U.S. Census). See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. Grand Ledge is located partially within the Lansing Urbanized Area. Thus, this relocation implicates the Commission's policy concerning the relocation of stations from rural to urbanized areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995). In such cases, the Commission will consider the extent the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). In this case, from the proposed transmitter site, WQTX would place a 70 dBu contour over approximately 80 percent of the Lansing Urbanized Area. Grand Ledge, located in Earon and Clayton Counties, is 15.8 kilometers from Lansing, located in Earon and Ingham Counties. The 2000 Census population of Grand Ledge (7,813) is 6.6 percent of the population of Lansing (119,128). These figures are similar to those of other suburban communities granted a first local preference. *See, e.g., Anniston, Alabama, et al.*, 16 FCC Rcd 3411, *aff'd by the Commission*, 16 FCC Rcd 19857 (2001) and cases cited therein. In any event, the Commission has repeatedly stated that these factors are less important than evidence of independence. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995). The following analysis of the eight *Tuck* factors demonstrates the independence of Grand Ledge from Lansing.

(1) *Extent to which the residents of Grand Ledge, Michigan, work in the City of Grand Ledge.* The population of Grand Ledge, Michigan, was 7,813 in 2000 (2000 U.S. Census Bureau). This represents an increase of 3.09% from the 1990 U.S. Census figure of 7,579. According to the 2000 U.S. Census Database, 829 of the 4,058 workers, or 20.4%, work in their place of residence. See Exhibit A. *See Anniston, Alabama, supra* (16% of the residents of College Park worked in College Park); *Albemarle and Indian*

Trail, North Carolina, 16 FCC Rcd 13876, 13880 (2001) (1.3% of working-age residents worked in community); *Coolidge and Gilbert, Arizona*, 11 FCC Rcd 3610 (1996) (6%). See Exhibit A

(2) *Newspapers and other media that cover Grand Ledge's needs and interests.* The *Grand Ledge Independent* is a weekly newspaper published each Sunday that serves Grand Ledge. The newspaper commenced publication in 1869. According to Sunny Renter of the *Grand Ledge Independent*, the newspaper has a circulation of 13,500 and contains local news for local residents including articles on topics such as local government, local business and community news.

In addition, the City of Grand Ledge maintains its own webpage at <www.grand-ledge.com>. By accessing this webpage, city residents may access a wide variety of facts and events concerning Grand Ledge, including information regarding city officials, public and city services, public and committee meetings, development, job opportunities, public schools and community events

(3) *Community leaders and residents perceive Grand Ledge as being separate from Lansing.* The City of Grand Ledge has its own unique identity and history that is separate from that of Lansing. Grand Ledge is located in Eaton County at the junction of Michigan Highways 43 and 100. Lansing is located in Ingham County. Situated on the banks of the Grand River, Grand Ledge was named after the river and the sandstone and quartzite ledges that are located along the banks of the river. The city also is composed of seven islands. The area that is present-day Grand Ledge was initially settled in the late 1830s. Edniund Lamson founded the city in 1848. It was named and received its first post office in the 1850. Grand Ledge was incorporated in 1871. See Exhibit A

(4) *Grand Ledge has its own local government and elected officials.*

According the city webpage, the government of the City of Grand Ledge functions independently of any other governmental units, and operates under a council/administrator form of government. The administrator is responsible for supervising and managing the entire city staff. The City has a mayor and six council members. The mayor is elected at large and the council members are elected to represent a specific ward, each for two-year terms. The city is divided into three electoral wards. The City Council is the governing body of the city and appoints volunteers to several city boards and commissions. Among the City's administrative offices and departments are: City Administrator, City Treasurer, City Clerk's Office, Chief of Police, Fire Chief, Public Service Director, Community and Economic Development, City Assessor and Zoning Administrator. Among the municipal services provided by the City are: zoning, police, fire, waste water treatment, taxpayer services, parks maintenance, code enforcement, planning, building permits and inspections, zoning, street maintenance, snow and ice removal, trash pickup and a recycling center. The city has established the following commissions: Planning and Zoning, Parks and Recreation and Cable. See Exhibit A. According to the city treasurer, Loren Sengstock, the 2003 fiscal year budget for the City of Grand Ledge is approximately \$ 10,000,000.

(5) *The City of Grand Ledge has its own zip code and separate governmental listings in the local telephone company.* The zip code designated exclusively for the City of Grand Ledge is 48837. The U.S. Postal Service operates the Grand Ledge Main Office at 118 East Jefferson Street. See Exhibit A. Residential and business listings for Grand Ledge are found in the Grand Ledge-Milliken-Eagle-Sunfield Telephone Directory

published by CRG Directories, which contains a separate section for the Grand Ledge government listings. The phone book also can be accessed at www.crgdirectories.com.

See Exhibit A.

(6) *The City of Grand Ledge has its own commercial establishments and health facilities.* Grand Ledge is home to a variety of businesses and commercial establishments. A few of these businesses identify with the community by using "Grand Ledge" in their name, for example: Grand Ledge Auto Parts, Grand Ledge Auto Wash, Grand Ledge Body & Paint Shop, Grand Ledge Electrology, Grand Ledge Jewelers, Grand Ledge Optometry, Grand Ledge Pet Grooming, Saturn of Grand Ledge, Grand Ledge Shell & Car Wash and Metro Ford of Grand Ledge. Grand Ledge retail businesses also include: Ace Hardware of Grand Ledge, Allstate Insurance, Big L Lumber Corporation, Bitzcnberger Machine and Tool, Carousel Cars, Inc., The Cat's Meow, Johnson Well Drilling, Ledge Clippers, Mobile Gas Station, Pharmacy Plus, Inc., Sports Stop Comet Corner and Skory Autosound. Banks include Eaton Federal Savings Bank, Flagstar Bank and Standard Federal Bank. Dining establishments include Jersey Giant Submarines, Log Jam, Inc., Perk Up and Preston's Bar. Grand Ledge has numerous inns, hotels and motels such as Best Western Midway Hotel, Edwards Wind Crest Bed & Breakfast and Quality Suites. See Exhibit A. The Grand Ledge Area Chamber of Commerce promotes local businesses and sponsor several city events. See Exhibit A.

A number of health care providers are located in the City of Grand Ledge. Medical services are provided by Grand Ledge Eye Care, Grand Ledge Chiropractic Clinic, Eagle Medical Consultants, and Family Medicine of Michigan and by several sole practitioners. Dental services are provided by the Grand Ledge Oral Surgery, Grand Ledge

Dental Center and by several sole practitioners. The **Hartel** Animal Hospital provides veterinary services. *See Exhibit A.*

Grand Ledge is also home to a number of religious organizations, such as Church of Christ of Grand Ledge, Grand Ledge Baptist Church, Grand Ledge First United Methodist, St. Michael's Roman Catholic Church, Church of the Nazarene and Immanuel Lutheran Church. *See Exhibit A.* Civic organizations in Grand Ledge include Grand Ledge Area Chamber of Commerce, Friends of the Opera House, Grand Ledge Area Historical Society, ABC Club, American Legion Cole-Briggs Post 48, Grand Ledge Lions Club, Grand Ledge Kiwanis Club, Grand Ledge Rotary and Knights of Columbus. Community activities and events that occur in the City of Grand Ledge include: Victorian Days, Michigan Week, Yankee Doodle Days, Ledges Classic Auto Show, Island Art Fair, Santa Parade and Holiday Home Tour. *See Exhibit A.*

(7) *Grand Ledge is a separate and **distinct** advertising market from Lansing.* According to Ms. Render, local businesses in Grand Ledge advertise in the *Grand Ledge Independent*, which enables them to reach the residents of Grand Ledge, and do not rely primarily on Lansing media sources. Residents may also access the City's webpage to learn about community events and news. Thus, the residents of Grand Ledge do not need to seek out Lansing media sources in order to find what is happening in their community. *See Exhibit A.*

(8) *Grand Ledge has its own library and its police and fire protection are provided independent of any other jurisdiction.* The Grand Ledge Area District Library serves the local population. The library is open seven days a week. It has a meeting room,

an extensive book collection, computer and Internet access and books-on-tape and video collection. The library has several programs for children and adults. *See* Exhibit A.

The Grand Ledge Public Schools system is headquartered in Grand Ledge. The school system has the following schools located in Grand Ledge providing public school education to the children of Grand Ledge: Grand Ledge High School, Sawdon High School, Kenneth T. Beagle Middle School, Hayes Middle School, C.W. Neff Elementary and Willow Ridge Elementary. See Exhibit A.

The City of Grand Ledge maintains its own police department. The Grand Ledge Police Department provides police services to the residents of the community. The department is composed of 16 officers. *See* Exhibit A.

The Grand Ledge Area Fire Department was founded in 1865. It became a volunteer department in 1877 and is currently composed of 26 members with five full-time personnel. The department provides fire, rescue and emergency medical services to the city. *See* Exhibit A.

The City of Grand Ledge's Parks and Recreation Department is responsible for maintaining the city's parks, trails and senior citizens center offering picnicking, basketball courts, hiking playgrounds, fishing, sledding boat launches and ball fields. The centerpiece is the 78-acre Fitzgerald Park. See Exhibit A.

Operated by the Grand Ledge Area Chamber of Commerce, the Grand Ledge Opera House is the center of cultural life in Grand Ledge. Built in 1884 as a roller rink, it evolved as an opera house that showcases local artists, concerts and events. *See* Exhibit A. Among the other attractions in Grand Ledge are The Country Mill, Grand Ledge Country Club, Ledge Meadows Golf Course, Oneida Field Market, The Museum and

Princess Laura Riverboat. The Spotlight Theater is located in Fitzgerald Park offering summer stock and repertory ensemble theater. See Exhibit A.

4. RCRG reiterates that it will apply for Channel 225A at Grand Ledge and construct the facilities *if* its application is granted

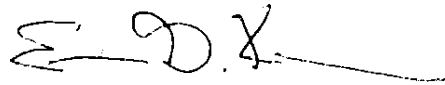
II. CONCLUSION

Grant of this petition is in the public interest because Grand Ledge, Michigan will receive its first local service and 159,068 people will receive new radio service. WQTX will be able for the first time to increase power to full class A facilities of 6 kW ERP. The Commission should promptly issue a Notice of Proposed Rule Making as described herein

Respectfully submitted,

RUBBER CITY RADIO GROUP

By:



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Its Counsel

March 6, 2003

**ENGINEERING STATEMENT IN
SUPPORT OF PETITION
FOR RULEMAKING
CHANNEL 225A - GRAND LEDGE, MI
Rubber City Radio Group
Charlotte, MI**

March 5, 2003

**Prepared For: Mr. Thom Mandell
Rubber City Radio Group
1795 West Market Street
Akron, OH 44313**

CARL E. SMITH CONSULTING ENGINEERS

CONTENTS

Title Page

Contents

Engineering Affidavit

Roy P. Stype, III

Engineering Statement

**Table 1.0 - FM Allocation Study
Channel 225A - Grand Ledge, MI**

**Fig. 1.0 - Predicted City Grade Contour
Channel 225A - Grand Ledge, MI**

Fig. 1.1 - Present and Proposed 1 mV/m Contours

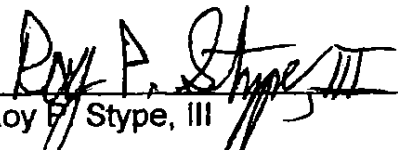
Table 1.1 - Present and Proposed WQTX Area and Population

ENGINEERING AFFIDAVIT

State of Ohio)
) **ss:**
County of Summit)


Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by the Rubber City Radio Group to prepare the attached "Engineering Statement In Support Of Petition For Rulemaking - Channel 225A - Grand Ledge, MI."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on March 5, 2003.



Notary Public

/SEAL/

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 5, 2005

ENGINEERING STATEMENT

This engineering exhibit is prepared on behalf of the Rubber City Radio Group, licensee of Radio Station WQTX(FM) - Charlotte, Michigan. It supports a petition to amend the **FM** Table of Allotments to move WQTX from Channel 224A to Channel 225A and change its community of license to Grand Ledge, Michigan. The data contained in this exhibit shows that it is possible to substitute Channel 225A in Grand Ledge, Michigan for Channel 224A in Charlotte, Michigan, for use by WQTX.

The geographic coordinates for Grand Ledge are:

NL - 42° 45' 12"
WL - 84° 44' 47"

The studies contained in this exhibit were conducted from a site 11.5 kilometers east-southeast of Grand Ledge. The geographic coordinates of this site are:

NL - 42° 42' 17"
WL - 84° 37' 20"

Table 1.0 is an FM allocation study for Channel 225A from the site described above. An examination of this table shows that operation on Channel 225A from this site would be short spaced to the present operation of WQTX on Channel 224A, while fully complying with the spacing requirements to all other facilities requiring protection consideration. This short spacing to the authorized operation of WQTX will not pose any problems since this channel will be deleted if Channel 225A is allotted to Grand Ledge, as proposed herein. Furthermore, under the provisions of Section 1.420(i) of the FCC Rules, this conflict with the authorized operation of WQTX will permit the license for WQTX to be modified to specify operation on Channel 225A in Grand Ledge.

Figure 1.0 is a map exhibit showing the predicted 3.16 mV/m (city grade) contour for the site specified above for Channel 225A in Grand Ledge. This contour was projected assuming maximum Class A facilities of 6 kilowatts effective radiated power at 100 meters above average terrain, assuming uniform terrain. As shown in this figure, it will be possible to provide city grade service to all of Grand Ledge on Channel 225A from the proposed reference coordinates.

It should be noted that Grand Ledge (population 7813') presently has no local radio service. Thus, the proposal outlined herein would provide Grand Ledge with its first local service, advancing the FCC's allotment priorities. Furthermore, the deletion of Channel 224A would not deprive Charlotte (population 8369) of its only local service, as WLCM(AM) would remain licensed to Charlotte.

Figure 1.1 is a map exhibit showing the predicted 1 mV/m contour for Channel 225A in Grand Ledge for operation with maximum Class A facilities from the coordinates outlined above. This figure also shows the predicted 1 mV/m contour for the present operation of WQTX, assuming nondirectional operation with an effective radiated power of 3 kilowatts at 100 meters above average terrain.¹ Both of these contours were projected assuming uniform terrain. Table 1.1 presents detailed data on the present and proposed populations and land areas, as well as the loss and gain areas. It should be noted that the entire area encompassed by these contours, including the loss and gain areas, is well served, receiving five or more full time aural services.

¹All population data in this exhibit is extracted from the **2000 U.S. Census**

²WQTX presently operates with an effective radiated power of 1.5 kilowatts at 142 meters above average terrain, which is equivalent to the former Class A maximum of 3 kilowatts at 100 meters above average terrain. Thus, FCC policy requires that this analysis consider WQTX to be presently operating with these former Class A maximum facilities.

In summary, Channel **225A** can be allotted to Grand Ledge, Michigan in place of the present allotment of Channel **224A** to Charlotte, Michigan to permit WQTX to operate with the maximum facilities permitted for a Class A station, which is not possible on Channel **224A** in Charlotte. This proposed reallocation will provide a first local service to Grand Ledge, thus advancing the FCC's allotment objectives.

TABLE 1.0

FM ALLOCATION STUDY - CHANNEL 225A (92.9 MHz) - GEAND LEDGE, MI

RUBBER CITY RADIO GROUP
CHARLOTTE, MI

STUDY COORDINATES: 42/42/17 84/37/20

STATION -----	LOCATION -----	CHANNEL -----	CLASS ---	SPACING (km) -----	REQUIRED SPACING* (km) -----	NOTES ---
WZUU	ALLEGAN, MI	222	A	93.89	31.0	
WMXD	DETROIT, MI	222	B	136.07	69.0	I
WJSZ	ASHLEY, MI	223	A	54.86	31.0	
971217MC	NEWAYGO, MI	223	A	123.67	31.0	2
WVKS	TOLEDO, OH	223	B	155.58	69.0	
WQTX	CHARLOTTE, MI	224	A	16.05	72.0	3, 11
WDZZ-FM	FLINT, MI	224	A	83.66	72.0	
WDZZ-FM	FLINT, MI	224	A	86.35	72.0	1, 7
WYVN	SAUGATUCK, MI	224	A	126.69	72.0	
WNDV-FM	SOUTH BEND, IN	225	B	179.39	178.0	
WNDV-FM	SOUTH BEND, IN	225	B	179.41	178.0	2
RM10260	PORT SANILAC, MI	225	A	181.16	115.0	10
WJZQ	CADILLAC, MI	225	C1	215.06	200.0	1
WJZQ	CADILLAC, MI	225	C1	215.06	200.0	7
WDRQ	DETROIT, MI	226	B	119.53	113.0	
RM10401	FERRYSBURG, MI	226	A	135.51	72.0	10
WKQZ	MIDLAND, MI	227	C2	133.90	55.0	
WBTU	KENDALLVILLE, IN	227	B	154.16	69.0	
WHMI-FM	HOWELL, MI	228	A	56.13	31.0	
WMU2	DETROIT, MI	278	B	119.04	15.0	
ALLOTMENT	HUBBARDSTON, MI	279	A	47.98	10.0	12

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.0 (cont'd)

FM ALLOCATION STUDY - CHANNEL 225A (92.9 MHz) - GRAND LEDGE, MI

RUBBER CITY RADIO GROUP
 CHARLOTTE, KI

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Chsnnel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

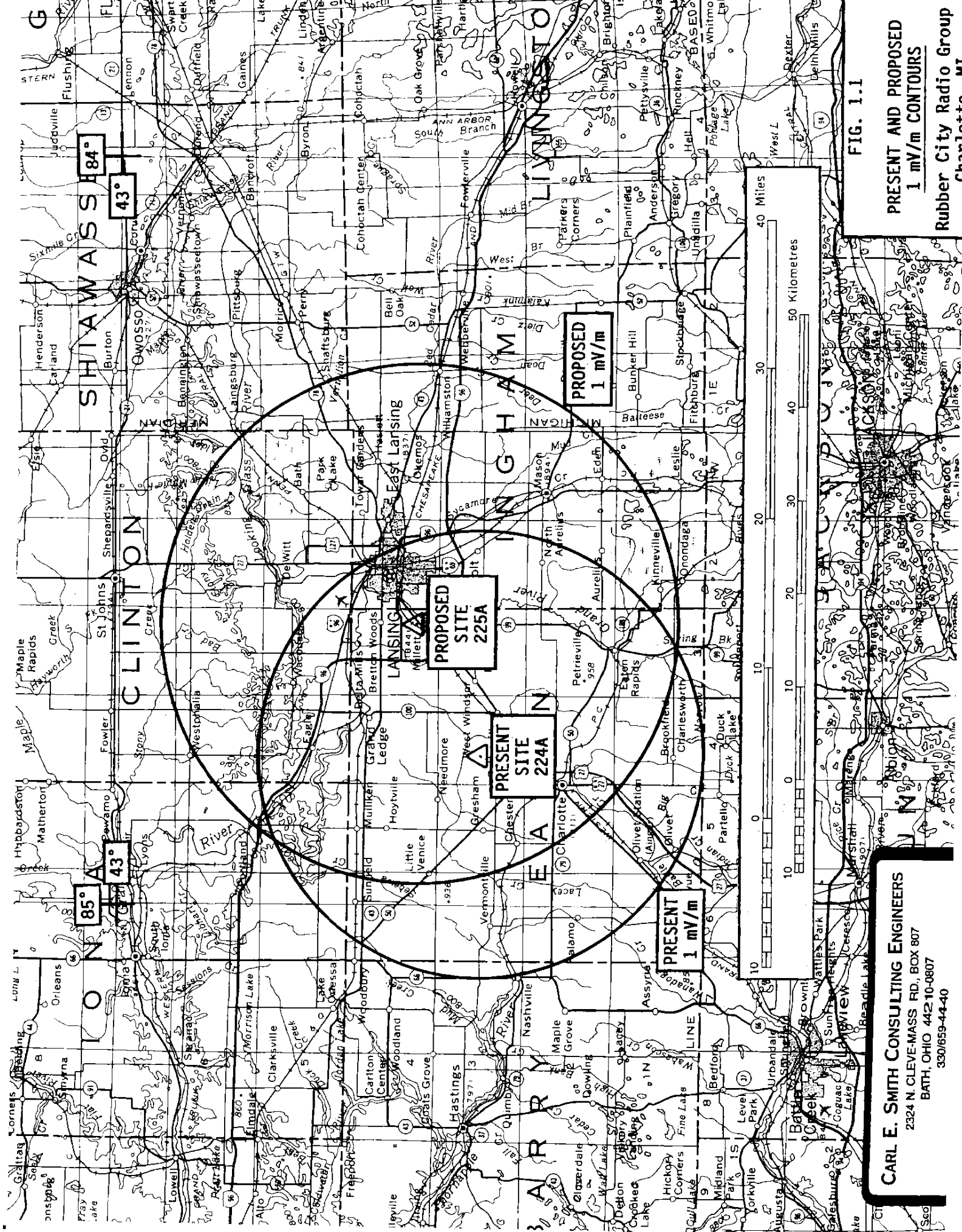


FIG. 1.1

PRESENT AND PROPOSED
1 mV/m CONTOURS
Rubber City Radio Group
Charlotte, MT

CARL E. SMITH CONSULTING ENGINEERS
2324 N. CLEVELAND RD., BOX 807
BATH, OHIO 44210-0807
330/659-4440

TABLE 1.1

**PRESENT AND PROPOSED
WQTX AREA AND POPULATION**

**Rubber City Radio Group
Charlotte, MI**

	Land Area (<u>Square Kilometers</u>)	Population (<u>2000 Census</u>)
Present	1,830.1	230,631
Gain	1,180.0	171,053
Loss	513.7	11,985
Proposed	2,496.4	389,699
Net Gain	666.3	159,068